



# Town Council Agenda Report

**SUBJECT:** Ordinance - Vacation/Abandonment

**CONTACT PERSON/NUMBER**

Mark Kutney, AICP (797-1101)

**TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 58 AVENUE ADJACENT TO THE "LAKESIDE VILLAS APARTMENTS PLAT"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(VA 7-2-00, Portion of SW 58 Avenue Road Right-of-way Vacation)

**REPORT IN BRIEF:**

This ordinance vacates the west half of SW 58 Avenue, for a distance of 87.58 feet at the intersection of SW 58 Avenue and SW 42 Street.

**PREVIOUS ACTIONS:**

Town Council approved application VA 7-2-00 on its merits (Motion carried: 5-0, November 1, 2000).

**CONCURRENCES:** Engineering Division recommends approval.

All utilities have indicated no objection except for FPL and Town of Davie Utilities which require grants of easement.

The Planning and Zoning Board recommended approval subject to correcting the 12' or 15' sanitary sewer easement notation on the exhibits (Motion Carried, 4-0, Mr. Stahl absent) October 25, 2000 meeting.

**RECOMMENDATION(S):** Motion to approve the ordinance.

**Attachment(s):** Ordinance, Sketch and Description, Proposed Site Plan, Land Use Map, Subject Site Map, and Aerial.

**Prepared By:**  
Geri A. Baluss  
Town of Davie  
6591 Orange Drive  
Davie, FL 33314

**Return To:**  
Town Clerk's Office  
Town of Davie  
6591 Orange Drive  
Davie, FL 33314

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 58 AVENUE ADJACENT TO THE "LAKESIDE VILLAS APARTMENTS PLAT"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a portion of the right-of-way conveyed by warranty deed as recorded in O.R. Book 19049, Page 0795 thru 0797 of the public records of Broward County, specifically described on Exhibit "A" attached hereto, was accepted as a public right-of-way; and

WHEREAS, the owner of adjacent property has petitioned the Town Council to vacate and abandon said right-of-way; and

WHEREAS, The Town Council conducted a public hearing, advertised as prescribed by law on the date of adoption of this Ordinance; and

WHEREAS, the Town Council did agree to such vacation, after conducting said public hearing and finding that the subject right-of-way no longer serves a public purpose; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That a portion of right-of-way conveyed by warranty deed as recorded in O.R. Book 19049, Page 0795 thru 0797 of the public records of Broward County, specifically described on Exhibit "A" attached hereto, is hereby vacated by the Town of Davie.

SECTION 2. Easements located within the property described on Exhibit "A" are not  
Item No.

vacated and shall be maintained in perpetuity.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2000.

PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2000.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.

# EXHIBIT "A"

## LAND DESCRIPTION: (RIGHT-OF-WAY VACATION)

A portion of Tract "A", "Lakeside Villas Apartments" as recorded in Plat Book 147, Page 9 of the public records of Broward County, Florida.

Begin at the southwest corner of said Tract "A", thence South 88°20'18" West along the south boundary of said Tract "A" a distance of 25.00 feet, thence North 01°40'02" West and parallel with the west boundary of said Tract "A" a distance of 87.54 feet to an intersection with a westerly prolongation of the north right-of-way line of Southwest 42nd Street as shown on "Dave Chamber of Commerce Subdivision", according to the plat thereof as recorded in plat book 19, page 14 of the public records of Broward County, Florida, thence North 88°15'05" East along said prolongation a distance of 25.00 feet to an intersection with the east boundary of said Tract "A", also being the west right-of-way line of Southwest 58th Avenue as shown on said "Dave Chamber of Commerce Subdivision", thence south 01°40'02" East along said east boundary a distance of 87.58 feet to the Point of Beginning.



SCALE: 1" = 20'

TRACT 13  
"NEWMAN'S SUBDIVISION"  
PLAT BOOK 2, PAGE 26, D.C.R.

TRACT "A"  
"LAKESIDE VILLAS APARTMENTS"  
(P.B. 147, PG. 9, B.C.R.)

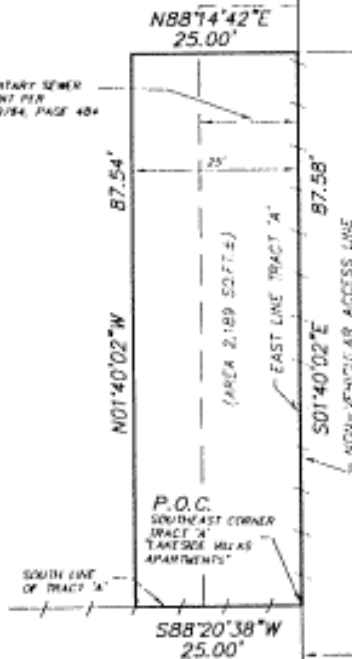
15' SANITARY SEWER  
EASEMENT PER  
O.R.B. 9784, PAGE 484

15' UTILITY EASEMENT PER O.R.B. 9740, PAGE 543

S.W. 42nd STREET

"DAVE CHAMBER OF  
COMMERCE SUBDIVISION"  
PLAT BOOK 19, PAGE 14, B.C.R.

S.W. 58th AVE.



TRACT 40  
"EVERGLADE LAND SALES  
CO. SUBDIVISION"  
PLAT BOOK 2, PAGE 34, D.C.R.

BEARINGS SHOWN HEREON ARE BASED ON N01°47'34"W ALONG THE WEST LINE TRACT "A" AS SHOWN ON "LAKESIDE VILLAS APARTMENTS" PLAT AS RECORDED IN PLAT BOOK 147, PAGE 9 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

ABBREVIATIONS				SKETCH AND DESCRIPTION	
B.C.R.	= BROWARD COUNTY RECORDS	N.V.A.L.	= NON-VEHICULAR ACCESS LINE	<p>LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD BY SUNTECH ENGINEERING, INC.</p> <p>THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY</p> <p>NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p> <p>I HEREBY CERTIFY THAT THIS SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 81017-8, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.012, FLORIDA STATUTES.</p>	
P.O.B.	= POINT OF BEGINNING				
R.P.	= REFERENCE POINT				
P.B.	= PLAT BOOK				
P.C.	= PAGE				
P.O.T.	= POINT OF TERMINATION				
DATE	REVISION	BY	CHK	<p>DATED THIS 12th DAY OF JULY 2000</p> <p><i>Alexander G. Cuchiar</i></p> <p>ALEXANDER G. CUCHIAR</p> <p>PROFESSIONAL SURVEYOR &amp; MAPPER</p> <p>STATE OF FLORIDA REGISTRATION NO. 5298</p>	

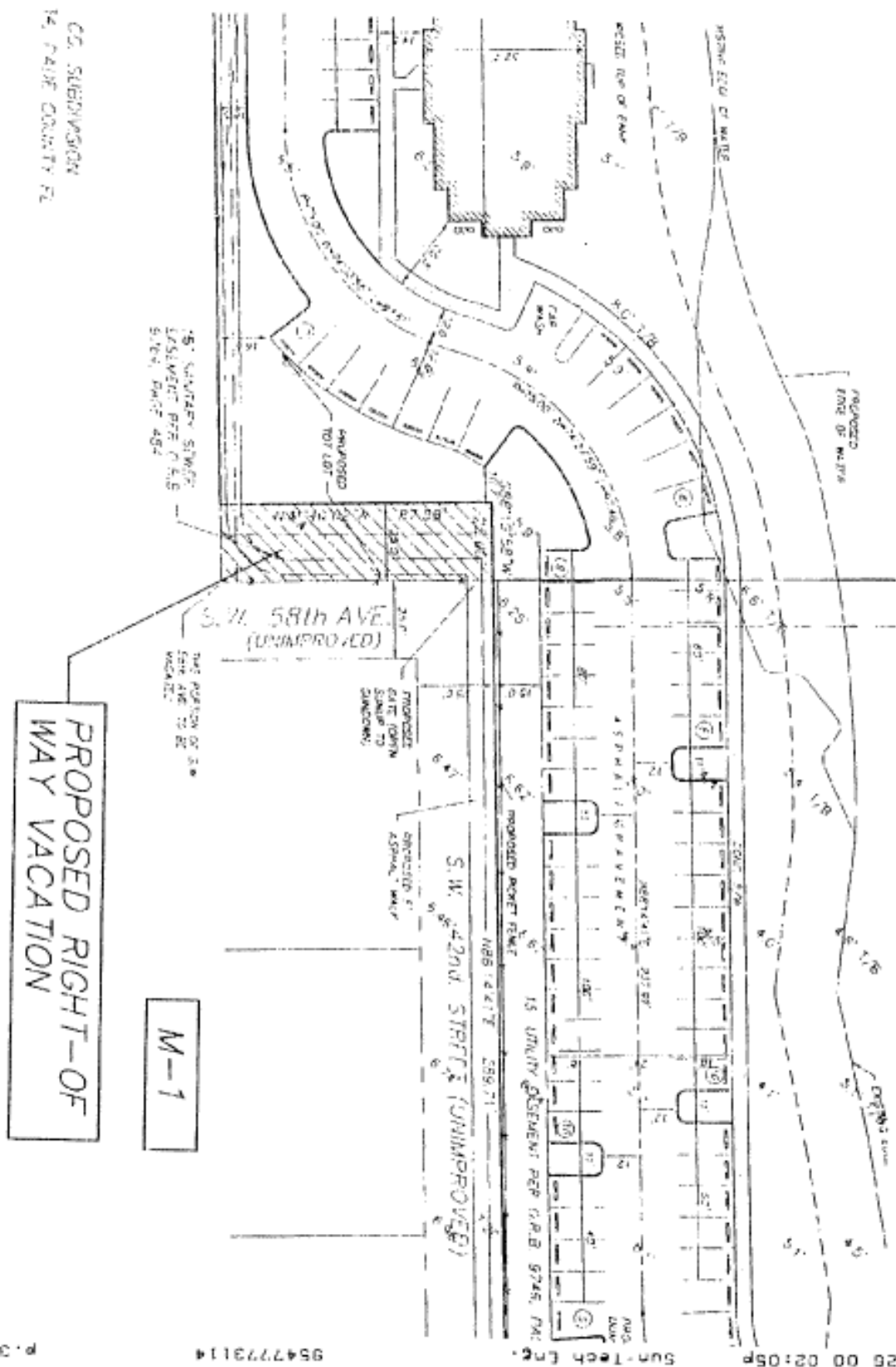


Sun-Tech Engineering, Inc.  
Engineering - Surveying - Planning  
Certificate of Authorization Number LB 7019

1800 West Oakland Park Boulevard Phone (954) 777-3123  
Ft. Lauderdale, FL 33311 Fax (954) 777-3111

95-2244

Item No.



CS. SUBINSON  
14. PAINE COUNTY RE

PROPOSED RIGHT-OF-WAY VACATION

M-7

00:26:00 02:05P Sun-Tech Eng.

◆11E.L.L.L◆SG

C. d.

**SUBJECT SITE**

**REGIONAL ACTIVITY CENTER**

SW 43rd St

SW 44th St

SW 44th Ct

S.W. 42nd Ct.

S.W. 42nd Pl.

S.W. 43rd St

S.W. 44th St.

S.W. 44th Ct.

S.W. 58th Ave.

S.W. 57th Terr.

S.W. 57th Ave.

Orange Dr.

**RECREATION / OPEN SPACE**

**SOUTH NEW RIVER CANAL**

Griffin Rd.

**PETITION NUMBER**

VA 7-2-00

*Subject Site Area  
Future Land Use Plan*

**N**

**4**

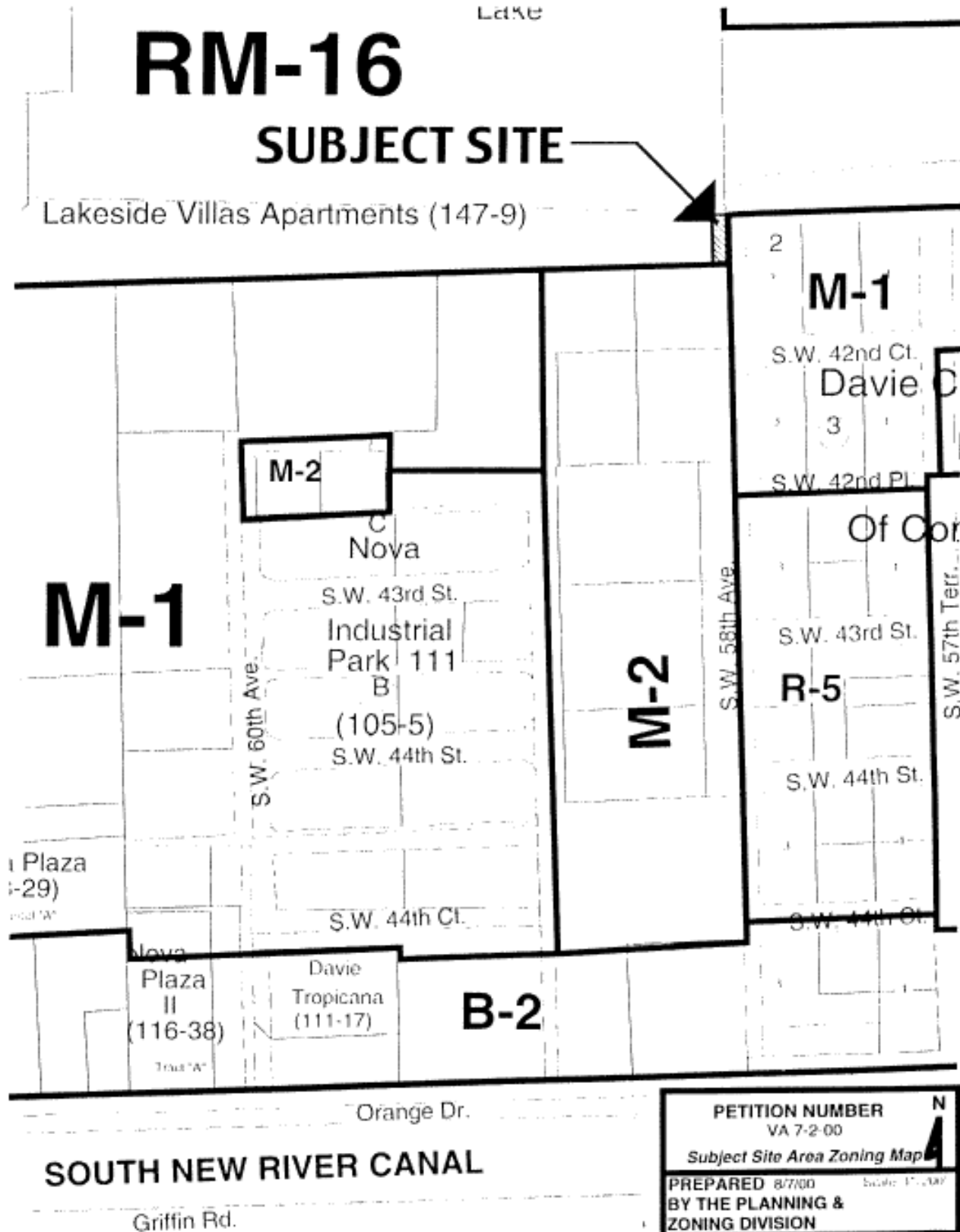
**PREPARED 8/7/00  
BY THE PLANNING &  
ZONING DIVISION**

Scale: 1" = 400'

# RM-16

## SUBJECT SITE

Lakeside Villas Apartments (147-9)



PETITION NUMBER  
VA 7-2-00

Subject Site Area Zoning Map

PREPARED 8/7/00  
BY THE PLANNING &  
ZONING DIVISION

N

